

Joseph H. Harrington
Acting United States Attorney
Eastern District of Washington
Ann T. Wick
Assistant United States Attorney
Post Office Box 1494
Spokane, WA 99210-1494
Telephone: (509) 353-2767

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
MAY 26 2021
SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MASON McCANN SMITH,

Defendant.

2:21-CR-68-SMJ

INDICTMENT

Vio.: 18 U.S.C. § 2252A(a)(2), (b)(1)
Receipt of Child Pornography
(Count 1)

18 U.S.C. § 2252A(a)(2), (b)(1)
Distribution of Child Pornography
(Count 2)

18 U.S.C. § 2252A(a)(5)(B),
(b)(2)
Possession of Child Pornography
(Count 3)

18 U.S.C. § 2253
Forfeiture Allegations

The Grand Jury charges:

COUNT 1

Beginning on or about December 20, 2020, and continuing until on or about
January 31, 2021, in the Eastern District of Washington, the Defendant, MASON

INDICTMENT

1 McCANN SMITH, did knowingly receive child pornography, as defined in 18
2 U.S.C. § 2256(8)(A), that had been mailed, shipped and transported in and
3 affecting interstate and foreign commerce by any means, including by computer,
4 and that was transported via any means or facility of interstate and foreign
5 commerce, to wit: still image and video files depicting minor and prepubescent
6 children engaging in sexually explicit conduct including but not limited to actual
7 and simulated intercourse, and the lascivious exhibition of the genitals and pubic
8 area, as defined in 18 U.S.C. § 2256(2)(A), all in violation of 18 U.S.C.
9 § 2252A(a)(2), (b)(1).

10 COUNT 2

11 Beginning on or about December 21, 2020, and continuing until on or about
12 January 31, 2021, in the Eastern District of Washington and elsewhere, the
13 Defendant, MASON McCANN SMITH, did knowingly distribute child
14 pornography, as defined in 18 U.S.C. § 2256(8), that had been mailed, shipped and
15 transported in and affecting interstate and foreign commerce by any means,
16 including by computer, and that was transported via any means or facility of
17 interstate and foreign commerce, to wit: images depicting minors engaging in
18 sexually explicit conduct, including but not limited to actual and simulated
19 intercourse, and the lascivious exhibition of the genitals and pubic area, as defined
20 in 18 U.S.C. § 2256(2)(A), all in violation of 18 U.S.C. § 2252A(a)(2), (b)(1).

22 COUNT 3

23 On or about February 5, 2021, in the Eastern District of Washington, the
24 Defendant, MASON McCANN SMITH, did knowingly possess material other than
25 that alleged in Count 1 which contained one or more visual depictions of child
26 pornography, as defined in 18 U.S.C. § 2256(8)(A), the production of which
27 involved the use of a minor engaging in sexually explicit conduct, and which
28

1 visual depictions were of such conduct; that had been mailed, shipped and
2 transported in interstate and foreign commerce, and which were produced using
3 materials that had been mailed, shipped and transported in interstate or foreign
4 commerce, by any means including computer, all in violation of 18 U.S.C. §
5 2252A(a)(5)(B), (b)(2).

6 NOTICE OF FORFEITURE ALLEGATIONS

7 The allegations contained in this Indictment are hereby realleged and
8 incorporated by reference for the purpose of alleging forfeitures.

9 Pursuant to 18 U.S.C. § 2253, upon conviction of an offense in violation of
10 18 U.S.C. § 2252A, as charged in Counts 1, 2 and 3 of this Indictment, the
11 Defendant, MASON McCANN SMITH, shall forfeit to the United States any
12 visual depiction described in section 2252A of this chapter, or any book, magazine,
13 periodical, film, videotape, or other matter which contains any such visual
14 depiction, which was produced, transported, mailed, shipped or received in
15 violation of this chapter; any property, real or personal, constituting or traceable to
16 gross profits or other proceeds obtained from such offenses; and, any property, real
17 or personal, used or intended to be used to commit or to promote the commission
18 of such offenses, or any property traceable to such property. The property to be
19 forfeited includes, but is not limited to:
20

- 21 a. Macbook Pro laptop; and
- 22 b. Intel Soft State Drive.

23 If any of the property described above, as a result of any act or omission of
24 the Defendant:

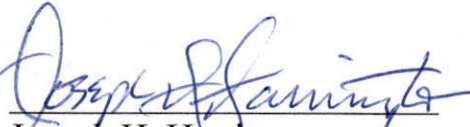
- 25 a. cannot be located upon the exercise of due diligence;
 - 26 b. has been transferred or sold to, or deposited with, a third party;
 - 27 c. has been placed beyond the jurisdiction of the court;
- 28

- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,


the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b).

DATED this 25th day of May, 2021.

A TRUE BILL



Joseph H. Harrington
Acting United States Attorney



Ann T. Wick
Assistant United States Attorney